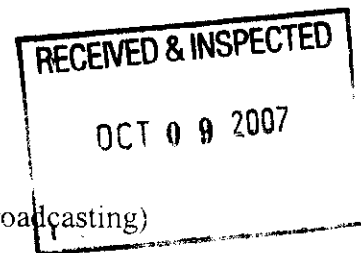


EX PARTE OR LATE FILED

David C. Schmarder
27 Beaver Ave.
Beaver Dams, NY 14812
October 3, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

ORIGINAL



Re: Notice of Ex Parte Presentation
MM Docket No. 99-325 (Digital Audio Broadcasting)

Dear Ms. Dortch,

In this document, I wish to convey my displeasure with the decision by the Federal Communications Commission to allow broadcasters to use AM-IBOC during the night time sky wave hours. I protest this action as it has caused great harm my radio reception and the ability to gather information.

AM broadcasting (medium wave 535 – 1705 kHz) has many attributes. It can be received with very simple equipment. A diode detector and a few other parts is all that is needed. Although for most, this isn't practical, it shows the beauty of the system. During the flood in 1972, all the FM stations went off the air. But one AM station was able to operate during these conditions.

There is a wide range of propagation on the AM band. There are daylight conditions where the station can only be heard as far as the ground wave propagation will carry the radio frequency carrier. Then there are the sky wave signals that rule the airwaves at night. Herein lays the problem. A daytime solution is now being applied to the night time conditions!

The IBOC system is causing great harm to the use and enjoyment of the AM band by Americans. Later, I will provide my findings on this.

I believe a function of the FCC is to properly manage the rf spectrum. That means that all stations should operate with causing the least interference possible. Since 1923, the government has made this as a priority. Stations were assigned frequencies on the basis of having the most stations but with the least interference. This mandate goes back further than the FCC itself! Each amplitude modulated station was required to stay within a certain space or channel. The effects of a modulated signal were expected to stay completely out of the way of the neighboring channels. Receivers with reasonable design of the day were based on a single signal reception policy. There were exceptions, some due to receiver being so close to a station that interference to neighboring channels resulted. This happens even to this day.

The only interference that occurred was because during the propagation changes during the early morning or evening resulted in two stations on the same frequency interfering for a short time. Most stations did not have the luxury of a coast to coast clear channel.

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But now with night time IBOC hissing on a neighboring channel much as like a snake would looking at it's next meal, reception of distant and local stations has become nearly impossible, but certainly uncomfortable.

I believe that the FCC decision to allow night time digital transmissions has caused intentional interference to the neighbor channel. This is a first in the 73 year history of the FCC and 86 year history of scheduled broadcasting. As you know, the IBOC digital signal covers the entire channel of its neighbors.

I sometimes hear the story that the FCC does not want to protect distant signals. But now you want to harm them! I believe that there should be no distinction between a distant signal and a local signal, when if, by normal physical methods this station can be heard on a channel that would be otherwise clear of digital interference.

There are stations that I listen to (or try to) that are now being clobbered with digital hash. Some of these stations are, by past FCC actions deemed to be "clear channel" type stations. These are stations that operate with the maximum 50000 watt power and very few other stations are assigned to that frequency.

Here are a few examples of the interference that I have received. WSM in Nashville (650 kHz) has very unique programming that is enjoyable for me to listen to. I tuned in last Saturday night and found that they were being covered with noise from WFAN on 660 kHz. Since the two stations are at nearly 90 degree angles, I was able to use my specially constructed loop antenna to null WFAN. I still could hear the noise but it was way down. At that time, WSM was stronger than usual here. But during moderate fades, I could still hear the hash. Unfortunately, most Americans do not have specialty loop antennas available.

Earlier that same night I attempted to listen to a unique program on WABC in New York City on 770 kHz. Although this is perhaps a distant signal, their loud signal from their blowtorch transmitter is heard most hours, except for the mid-day hours. They come in well on my crystal set too! But not last Saturday. I heard the digital iBiquhash from WJR, 760 in Detroit. This time I was not so lucky. Since Detroit and New York are off opposite ends of my bi-directional loop, there was no help. I did tune to 760 for a listen and guess what? Their signal was being covered by WABC. Ironical for sure. By the way, listening to another favorite station, WBBM in Chicago has become impossible for me.

Another station with programming of a special nature is WBBR, Bloomberg Radio 1130 in New York. No one covers financial news like they can. However, I can't hear how the Ibiquity stock has been helped by FCC because of the IBOC coming from WRVA on 1140 kHz.

WBZ in Boston is the 800 pound stomper in this area at night. When they turn on their jamming equipment, I mean IBOC equipment, the old station KDKA is blown out of the water.

You can forget the jammathon that goes on between WLW, WOR and WGN, 700 to 720 kHz. 730 and 690 kHz are Canadian stations sending in French, so that is someone else's problem.

I did hear some interference on CHML, 900 kHz in Hamilton, Ontario caused when an extra loud WLS in Chicago on 890 was favored by the DX winds.

I already wrote WTAM on 1100 in Cleveland about the bad noise they caused to WBAL in Baltimore on 1090. Being that they were nearly 90 degrees apart from here, the loop was fairly effective in reducing but not eliminating the digihash. I urge one of you at the Commission that know how to operate an AM radio, to turn it on some evening to 1090 and see if you get a clear signal on your local WBAL! You don't need me and a lot of the others to tell you of the misery you caused.

These are just a few observations that I found. I guess I can listen over the next few nights and log other instances, but the ones shown above are actual interference reports because I listen to these stations on a regular evening basis.

If it is local interference stories you want to hear about, then I would like to add a copy of a letter that I sent to the owners of station WWLZ in Horseheads, NY. This station is assigned to 820 kHz. When WGY on 810 is coming in good, I can not listen to my local station. Here is the letter:

Backyard Broadcasting LLC
Radio Station WWLZ
4237 Salisbury Road
Suite 225
Jacksonville, FL 32216

Dear Sir or Madame,

Friday, September 14, 2007, a date which will live in infamy, the FCC decided to ruin the AM broadcast band by allowing stations to transmit digital information on their carriers.

Until yesterday, I was a night time listener of WWLZ on 820 khz. The signal was moderate, but always steady and decent. While not in the middle of your main antenna pattern lobe, your signal was good 13 miles away. Your station along with 1490 and 1410 are the only local stations that can be heard at my location at night.

But last night as I was attempting to listen to your station, there was a fairly loud hiss that was traveling with your signal. Your station became victim of a digitally encoded signal interference from WGY in Schenectady, NY. This encoding, commonly called IBOC "In Band, On Channel" by Ibiqity Corp, has made your night time signal unusable.

I am writing because I believe that you should know about this problem. I use good receiving equipment at all times. I know about radio as I have had my Amateur Radio license since 1965. I also earned my FCC First Class Radio Telephone license in 1972. I also design and build high performance AM radios using passive technologies (crystal radios). Based on my qualifications and experiences, I believe that that my findings are true and accurate.

You may want to do some studies yourself of the harm that WGY is doing to your listening audience, and revenues. I am sure this would weigh negatively on your Arbitron and Neilson ratings, as their research audience would be forced to tune away from your station at night. Small stations have enough troubles earning incomes without having the neighboring stations place their digital signals in your bandwidth! WGY is now allowed to cover from 795 to 825 khz, by order of the Federal Communications Commission. It

really makes me wonder how they were able to do this. It certainly can't be because they know anything about radio propagation and spectrum use!

I am planning to write the Federal Communications Commission today about this problem. I urge you to complain to the FCC too. If you don't, you can kiss your night time listeners that live 5 miles from your transmitter goodbye.

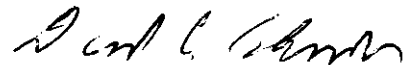
Best Wishes,
David C. Schmarder

I have just a couple more comments. First I would like to tell you a little about myself. I have been a licensed Amateur Radio operator for over 42 years, and an Extra Class license holder since 1977. I earned my First Class Radio Telephone License in 1972, which is now called a General Radio Telephone License. I have designed and built 70 crystal radios in the last few years, some being very high performance passive radios. I also build other small radios, mostly with vacuum tubes. I have a great interest in the Medium Wave AM band. For the research for this paper I used a 1956 Fisher 80-R tuner, which is probably one of the better consumer AM tuners ever built. I use a homemade loop antenna as well as a homemade amplifier. I tell you this to give you an idea of my background and in the hopes that my comments and concerns are taken seriously.

I equate the IBOC interference the same way as I consider the kid in his car with the 1kw audio amplifier. It doesn't make the car run any better, but he sure is annoying.

Thank you for your time.

Sincerely,

A handwritten signature in dark ink, appearing to read "David C. Schmarder", written in a cursive style.

David C. Schmarder.